

Panaji, 22nd August, 2002 (Sravana 31, 1924)

SERIES II No. 21

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

*Note:- There is one Extraordinary issue to the Official Gazette, Series II, No. 20 dated 16-8-2002 as follows:-*

*Extraordinary dated 16-8-2002 from pages 449 to 450 regarding Notification from Goa Legislature Secretariat.*

### GOVERNMENT OF GOA

Department of Finance

Revenue & Expenditure Division

#### Order

No. 17-8-94-Fin(R&C) Part

- Read:- 1) Order No. 17-8/2000/DSL/317 dated 11-8-2000.
- 2) Government Order No. 17-8-94-Fin (R&C) Part dated 15-10-2001.

Sanction of the Government is hereby accorded for extension of the term of deputation of Smt. Anthonette I. Sequeira, Asstt. Director (Lotteries) for the further period of one year from 27-8-2002 on the same terms of deputation contained in the order referred to at Sr. No. (1) above.

By order and in the name of the Governor of Goa.

Yvonne Cunha, Under Secretary (Finance-Exp.).

Panaji, 7th August, 2002.

Directorate of Accounts

#### Order

No. DA/Admn/46-3/2002-03/TR-920/58

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public

Service Commission vide their letter No. COM/II/11/1(3)/98-2002 dated 29-4-2002, Government is pleased to promote the following Accountants of the Common Accounts Cadre to the post of Assistant Accounts Officer (Group "B" Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with effect from the date of taking over the charge of the post.

1. Shri Prakash S. Nagvekar.
2. Shri Tulsidas S. Naik.
3. Shri L. S. Mardolkar.

Government is further pleased to effect the transfer and posting of the Asstt. Accounts Officer of Common Accounts Cadre as under:-

Sr. No.	Name of the Officer	Posted on promotion/ /transfer
1.	Shri Prakash S. Nagvekar	Directorate of Accounts, Panaji, vice Shri Rebeiro, retired on superannuation.
2.	Shri Tulsidas S. Naik	Printing & Stationery, Panaji vice Shri Dharwadkar, retired on superannuation.
3.	Shri L. S. Mardolkar	Directorate of Tourism, Panaji, vice Shri Bhandari, retired on superannuation.

All the newly promoted officers shall be on probation for the period of two years in the first instance. They should exercise an option for fixation of pay under F. R. 22(I)(a)(1) within one month from the date of promotion.

On joining their new assignments, the officers shall send C.T.C./Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 5th July, 2002.

**Order**

No. DA/Admn/45-7/2002-03/TR-1138/66

The services of Shri Suresh B. Vernekar, Asstt. Accounts Officer presently working in Goa Legislature Secretariat, New Assembly Complex, Porvorim are placed at the disposal of Goa, Daman & Diu Khadi & Village Industries Board, Panaji for his appointment on transfer on deputation as Accounts cum Admn. Officer in place of Shri Menino Dias, Assistant Accounts Officer.

Shri Menino Dias, Asstt. Accounts Officer, presently on deputation to Goa, Daman & Diu Khadi & Village Industries Board, Panaji is repatriated to the parent cadre and posted as Asstt. Accounts Officer in the Office of the Goa Legislature Secretariat, New Assembly Complex, Porvorim. His deputation term stands extended till the date, he is relieved from the said (GDDKVIB) Board.

The deployment of Shri Vernekar, Asstt. Accounts Officer shall be on deputation basis for a period of one year in the first instance and it shall be regulated as per the standing terms and conditions of deputation contained in the office Memorandum No. 13/4/74/PER dated 12-2-1999 as amended from time to time.

The Goa, Daman & Diu Khadi & Village Industries Board, Panaji shall be liable to pay to the Government leave salary and pension contribution of Shri Vernekar, Asstt. Accounts Officer at the prescribed rates.

This order shall have immediate effect.

The Officers shall send C.T.C./Joining report to this Directorate on reporting to their organisation/department.

Shri S. B. Vernekar, Asstt. Accounts Officer should move first.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 29th July, 2002.

**Order**

No. DA/Admn/45-3/2002-03/TR-1172/71

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(3)/98-2002 (Vol. II) dated 29-4-2002, Government is pleased to promote Shri Anant Pai Kakode, Accountant of the Common Accounts Cadre to the post of Asstt. Accounts Officer (Group "B" Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with effect from the date of taking over the charge of the post and posted him as Asstt. Accounts Officer in the Directorate of Accounts, Panaji in the resultant vacancy caused due to retirement of Kum. Lourdes Fernandes.

The newly promoted Officer, Shri A. P. Kakode shall be on probation for a period of two years. He should exercise an option for fixation of pay under F.R.22(I)(a)(1) within one month from the date of taking over the charge of the post.

On joining his new assignment, Shri Kakode shall send C.T.C./Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

G. K. Warriar, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 1st August, 2002.

**Department of Labour**

Office of the Commissioner of Labour

**Order**

No. CL/Pub-Awards/2001/780

The following Award dated 15-1-2001 in Reference No. IT/55/89 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

R. S. Mardolker, Commissioner, Labour & Ex-Officio Joint Secretary.

Panaji, 31st January, 2001.

IN THE INDUSTRIAL TRIBUNAL

GOVERNMENT OF GOA

AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/55/89

Shri Suresh H. Parvatkar, — Workman/Party I  
Kadamba Transport Corporation  
Workers' Union,  
Panaji-Goa.

v/s

M/s Kadamba Transport — Employer/Party II  
Corporation Ltd.,  
Panaji-Goa.

Workman/Party I - Represented by Adv. A. Nigalye.

Employer/Party II - Represented by Adv. M. S. Bandodkar.

Panaji, dated 15-1-2001.

**AWARD**

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes

Act 1947 (Central Act 14 of 1947) the Government of Goa by order dated 17th August 1989 bearing No. 28/27/87-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of M/s Kadamba Transport Corporation Limited, Panaji, in terminating the services of their workman Shri Suresh H. Parvatkar, Conductor, with effect from 21-2-1986 is legal and justified.

If not, to what relief the workman is entitled to?"

2. On receipt of the reference a case was registered under No. IT/55/89 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman-Party I (for short, "Workman") filed his statement of claim at Exb.2. The facts of the case in brief as pleaded by the workman are that the Employer/Party II (for short, "Employer") is a company incorporated under the provisions of Companies Act, 1956 having its registered office at Panaji, Goa. That the employer is engaged in the business of passenger transport i.e. transport of passengers through stage carriages for hire, and for this purpose the employer owns a fleet of over 200 buses through which it carries on the business activities. That the employer has several establishments and depots which are industrial establishments within the meaning of Sec. 2(ka) of the Industrial Disputes Act, 1947. That the employer has more than 1000 employees in its employment who belong to different categories such as drivers, conductors, mechanics, clerical staff etc. That vide order dated 7-4-82 the workman was appointed as conductor in the pay scale of Rs. 260-400, and was attached to Porvorim Depot. That the workman served the employer faithfully and his past record in service is clean and unblemished. That in or around June, 1983 the workers of the employer formed a trade union called "Kadamba Transport Corporation Workers' Union" and the workman was the member of the said union from the date of its formation. However, though he did not take much interest in the affairs of the said union the employer was under the impression that he was an active member of the said union. That on or about 4th November 1983, the union served a charter of demands on the employer demanding revision of wages and other demands and since the employer failed to consider the said demands of the union the dispute was raised before the Labour Commissioner who initiated conciliation proceedings. That since the employer was interested in delaying the conciliation proceedings, the union was compelled to serve a notice of strike on the employer and the Commissioner, Labour and Employment, on 31st March and 1st April 1984 intimating that the union proposed to call a strike on any day after 14th April, 1984. That on 25-4-84 the workman received a suspension order signed by the Depot Manager stating that he had participated in an illegal strike w.e.f. 15th April 1984 and that he indulged in various acts of violence and that pending the issuing of chargesheet he was suspended in terms of clause 28(c)(XII) of the

Certified Standing Orders of the Corporation. That thereafter the workman received a chargesheet dated 5-6-84 signed by the General Manager, alleging that the workman had indulged in the acts mentioned in the chargesheet and stated that the alleged acts amounted to misconduct under clauses (xiv), (xxiii), (xxiv), (xxxiv), (xxxvii) and (Lii) of the Certified Standing Orders of the employer. That by reply dated 12-6-84 the workman replied to the chargesheet denying the charges. That an inquiry was held into the charges which enquiry was illegal and was held in violation of the principles of natural justice as also the Inquiry Officer was bias in favour of the employer and against the workman. That the workman received a show cause notice dated 4-1-1986 from the General Manager along with the copy of the findings of the enquiry officer dated 28-11-1998 wherein it was stated that it was decided to dismiss him from service forthwith because the enquiry officer had held him guilty of the charges. That thereafter the General Manager issued corrigendum dated 8-1-98 stating that he disagrees with the findings of the enquiry officer to the extent of holding charges not proved and holds him guilty also of obstructing Bus GDX 126 which was proceeding to Mangalore. That the workman replied to the show cause notice and the corrigendum denying that the charges were proved against him and also stated that the proposed punishment of dismissal from service was harsh and disproportionate. That thereafter he received the dismissal order dated 21-2-86 from the General Manager. That the workman preferred an appeal against the said dismissal order before the Managing Director but the said appeal was dismissed. That thereafter the workman raised an industrial dispute demanding reinstatement in service and the conciliation proceedings held by the Asst. Labour Commissioner, ended in failure and the failure report was submitted to the Government dated 13-7-1987 and the Government referred the present dispute to this Tribunal for adjudication after the workman filed Writ Petition in the High Court against the Government for declining to make the reference. The workman contended that the action of the employer in dismissing him from service is illegal and unjustified as the action of the employer is based on an invalid chargesheet, illegal enquiry and for no misconduct committed by him. The workman therefore claimed that he is entitled to reinstatement in service with full back wages and other consequential benefits.

3. The employer filed written statement at Exb.3. The employer admitted that the employees of the employer had organised themselves into an union called "Kadamba Transport Corporation Workers' Union" and that the said union by letter dated 4-11-83 raised charter of demands against the employer on behalf of the employees. The employer stated that it participated in the conciliation proceedings and in the said conciliation proceedings the employer settled with the union almost all the demands and the only demands which could not be settled were pertaining to the financial liabilities. The employer stated that it had sought time before the conciliation officer to put up the matter before the Board

of Directors and seek their approval before any settlement could be reached and accordingly the proceedings were adjourned to 13th April 1994. The employer stated that by this time the Government declared the Road Transport Industry in the Territory as Public Utility Service under the provisions of Industrial Disputes Act, 1947 as per the notification dated 30th March 1984 which was published in the Government Gazette dated 5th April 1984. The employer stated that while the conciliation proceedings were pending on the charter of demands the union served on the employer the notice of strike dated 31-3-84 and 1-4-84 stating that the workmen would go on strike on 14-4-84 or on any date thereafter and that the said strike was on the issue of the charter of demands which was pending before the conciliation officer. That as per the said notice the workmen went on strike w.e.f. 14-4-84 which was in breach of the provisions of the Industrial Disputes Act, 1947. The employer stated that besides going on illegal strike the workman indulged in acts of obstructing other workers from reporting to work, obstructing the buses of the employer and many other acts which if proved would amount to acts of misconduct as per the Certified Standing Orders of the employer. The employer stated that the workman was suspended pending enquiry and final decision in the alleged indulgence in acts of misconducts and the said letter of suspension was followed by a chargesheet dated 5-6-1984. The employer stated that after the chargesheet was issued an enquiry was conducted and the workman fully participated in the said enquiry and was defended by the General Secretary of the Union. The employer stated that the enquiry officer submitted his findings holding the charges under clauses xiv, xxix as proved against the workman but not the charges under clauses xxiii, xxxiv and xxxvii and the employer disagreed with the findings of the enquiry officer to the extent of holding charges not proved. The employer stated that the workman was given a show cause notice dated 8-1-86 and on receipt of the reply from the workman and considering the seriousness of the charges the employer terminated the services of the workman by letter dated 21-2-86. The employer stated that the enquiry conducted against the workman is fair and proper and the acts of misconducts levelled against the workman were proved in the enquiry. The employer stated that its action in terminating the services of the workman is legal and justified and the workman is not entitled to any relief as claimed by him. The workman thereafter filed rejoinder at Exb.4. On the pleadings of the parties issues were framed at Exb.5.

4. After the issues were framed the workman as well as the employer led evidence on preliminary issue that is, on the fairness of the enquiry. Thereafter both the parties submitted that the issues framed by my learned Predecessor at Exb. 5 are not properly framed and they also submitted that besides the issue of fairness of enquiry the other preliminary issue involved was whether the certified standing orders of the Employer-Corporation were in operation on the dates of the alleged incidents of misconduct as the enquiry was

conducted in accordance with the provisions of the certified standing orders, and hence an issue to that effect is required to be framed. Accordingly with the consent of both the parties following issues were framed in place of the issues framed earlier at Exb. 5.

1. Whether a fair and proper enquiry was held against the party I as per the provisions of the certified standing orders ?
2. Whether the certified standing orders were in operation on the dates of the alleged acts of misconduct ?
3. Whether the charges levelled against the party I are duly proved ?
4. Whether the order of termination of service w.e.f. 21-2-86 passed against the party I is legal and justified ?
5. Whether the action of the party II in terminating the services of the party I is discriminatory ?
6. Whether the party I is entitled to any relief ?
7. What Award ?

5. Subsequently by order dated 24-2-1995 this Tribunal held that the certified standing orders of the employer corporation were not in operation at the time of the alleged incidents of misconduct and as such the Industrial Employment (Standing Orders) Act 1946 applied to the employer corporation. The enquiry was therefore set aside and the parties were asked to lead evidence on the merits of the case. Thus the preliminary issue nos. 1 and 2 stood disposed off. The workman and the employer thereafter led evidence before this Tribunal.

6. My findings on the remaining issues are as follows:

- Issue No. 3 : In the negative.
- Issue No. 4 : In the negative.
- Issue No. 5 : Does not arise.
- Issue No. 6 : As per para. 16 below
- Issue No. 7 : As per order below.

7. *Issue No.3:* This issue in fact pertains to whether the charges of misconduct levelled against the workman vide chargesheet dated 5-6-1984 are proved. Adv. Shri M. S. Bhandodkar, the learned Advocate for the employer submitted that as per the chargesheet the charges against the workman are that (1) he went on illegal strike from the midnight of 14-4-84, (2) he obstructed the bus GDX 126 on 15-4-84 at 1-30 p.m. which was being driven by Mr. Esteves and which was being taken out of depot for trip to Mangalore (3) he alongwith some other workers assembled at Porvorim depot and obstructed and threatened the other workers who wanted to go on duty and also restrained some of them forcibly and detained them at the place though they were willing to carryout their normal duties on 15th and 16th April 1984, (4) he forced the willing operating staff to stop

buses at Mandovi bridge and other places on 15-4-84 and forced them to take the said buses to depot to paralyze the work, and (5) on 17-4-84 he alongwith Mr. Anil Raut went to the house of conductor Mr. Vishnu Saundekar and forcibly took him to Porvorim and forced him to sit at Porvorim depot with him and others and also under threat, duress and against his will forced him to join morcha taken out on 18th April 1984. Adv. Shri M. S. Bhandodkar, in the course of his arguments admitted that the employer has not led any evidence to prove the charges mentioned at serial nos. 3, 4 and 5. With reference to the charge at sr. no.1 he submitted that the employer has led evidence and proved that the workman had participated in the strike on 14-4-84 which was illegal. He submitted that the employer has proved that the strike was illegal through the evidence of Shri S. V. Naik. As regards the charge at sr. no. 2 that the workman obstructed the bus GDX 126 which was being driven by Shri Valentino Esteves and which was being taken to Panaji for trip to Mangalore, Adv. Shri Bhandodkar submitted that the workman in his deposition has not denied his presence at the Porvorim depot in the morning of 15-4-84 but his case is that the Traffic Officer told him to go after handing over the cash to the cashier. He submitted that the witnesses examined by the employer have categorically stated that the workman was one amongst the workers who had obstructed the bus GDX 126. He submitted that in the cross examination of the said witnesses the workman has not been able to bring anything on record favourable to him, nor he has been able to prove his defence as he did not examine any witness to prove that he was told by Traffic Inspector to go home after handing over cash to the cashier. Adv. Bhandodkar further submitted that the standard of proof which is required in an enquiry or in a proceeding before the Tribunal is not the same as is required in a Criminal trial. He submitted that in a proceeding before the Tribunal some evidence to prove the charge is enough. In support of his this contention he relied upon the decision of the Supreme Court in the case of Ratan Singh v/s State of Punjab, reported in AIR 1977 SC 1512. He submitted that the charge against the workman that he obstructed the bus GDX 126 is supported by all the three witnesses examined by the employer, and more particularly the witness Shri Esteves has stated that the workman was among the other workers who obstructed the bus.

8. Adv. Shri Nigalye, the learned Advocate for the workman, submitted on the other hand as per the charge sheet the alleged incident of obstructing the bus took place at 21-20 hrs i.e. at 9.30 p.m whereas the evidence led by the employer is on the incident alleged to have taken place at 1.30 p.m in the afternoon, and therefore it cannot be held that charge is proved against the workman. He submitted that evidence recorded in the enquiry cannot be looked into once the enquiry is set aside. In support of his this contention he relied on the Judgment of the Supreme Court in the case of Neeta Kaplish v/s Presiding Officer, Labour Court, reported in 1999 I CLR 219. He submitted that even assuming that the workman is charged for misconduct which is alleged

to have taken place at 1.30 p.m on 15-4-84, still there is no evidence to prove that the workman had obstructed the bus GDX 126. He submitted that this Tribunal while deciding the preliminary issues has held that the Certified Standing Orders of the employer were not applicable to the workman when his services were terminated. He submitted that therefore the model standing orders were applicable to the workman and it is to be seen whether the acts alleged against the workman are misconducts under the model standing orders. As regards the contention of the employer that the workmen had gone on illegal strike, he submitted that there is no allegation in the chargesheet that the workman had gone on illegal strike. He submitted that the acts of misconduct alleged against the workman are at para. 2 to 4 of the chargesheet where there is no allegation against the workman that he went on strike which was illegal and therefore he cannot be held guilty for the said misconduct. As regards the charge that the workman obstructed the bus GDX 126 which was being taken to Panaji, from the Porvorim depot, Adv. Shri Nigalye submitted that even if it is presumed that the workman was involved in the incident, the said incident had taken place on the public road and not within the depot premises and therefore it would not fall within the clause 14(3)(h) of the Schedule I of the Industrial Employment (Standing Orders) Act and hence would not be a misconduct. In support of his this contention he relied upon the decision of the Supreme Court in the case of M/s Glaxo Laboratories (I) Ltd., v/s Presiding Officer, Labour Court, Meerut and others reported in 1983 LAB IC 1909 and in the case of Thozhilali Union v/s BPL India Ltd., and another reported in 1996 I CLR 368. He submitted that the time of the incident is also not proved because according to the chargesheet the incident took place at 1.00 p.m whereas Shri Esteves has stated in his deposition that instructions were given to him at 10.00 a.m to bring the bus from Porvorim Depot and that he left for the depot soon thereafter which means that he must have reached latest by 11.00 a.m. or immediately thereafter and hence the incident could never have taken place at 1.00 p.m. as alleged. He further submitted that the evidence of Shri Prabhu and Shri S. V. Naik cannot be relied upon because they have stated that they were standing towards rear/backside of the bus which was at a distance of 20 mts. and the workers were at the front of the bus which means that they could not have seen what happened at the front side of the bus. He submitted that there is no evidence to prove the charge of obstructing the bus GDX 126 against the workman. He also submitted that as regards the other charges it has been conceded by the employer that there is no evidence to support the said charges.

In reply to the arguments of Adv. Shri Nigalye, Adv. Shri Bhandodkar, the learned Advocate for the employer submitted that clause 14(h) of the model standing orders which relates to act subversive of discipline does not state that the act should be done within the premises. He submitted that the Supreme Court in the case of Munchandani Electrical and Radio Industries Ltd., v/s Workmen reported in 1975 (30) FLR 169 held that though

the incident of assault had taken place in a Train it was an act subversive of discipline. Adv. Kamat submitted that this decision is not overruled by the Supreme Court in the case of *M/s Glaxo Laboratories (I) Ltd., (supra)*. Adv. Shri Kamat also relied upon the decisions of the Bombay High Court in the case of (1) *Murlidhar Radhoji Savanti v/s General Manager, Nather & Platt (I) Ltd.,* and others reported in 1992 (64) FLR 78; (2) *Shri Suresh S. Patil v/s Mahindra and Mahindra Ltd.* reported in 1993 II CLR 231 and (3) *Khandu Krishna Bhogade v/s Kalyani Steel Ltd., & Others* reported in 1995 I CLR 58. He further submitted that a corrigendum was issued by the employer where by the time of the incident mentioned in the charge sheet was corrected as 1.30 p.m. He submitted that typographical mistake is to be considered. He submitted that in para 18(J) of the written statement the employer has stated that there was typographical error which was corrected by corrigendum and the employer denied that the corrigendum was a ploy devised to trap the workman.

9. The first question that arises is whether the certified standing orders of the employer applies to the workman or the model standing orders. This is relevant because accordingly it is to be seen whether the charges of misconduct are proved. This Tribunal had framed preliminary issues as regards the fairness of the domestic enquiry held against the workman, and whether the standing orders were applicable and in force at the time of the alleged incident. This Tribunal by findings dated 2-3-1993 disposed of the said preliminary issues. It was held by this Tribunal that the certified standing orders of the employer were not applicable to the workman at the time when the alleged incidents took place. On this ground alone the enquiry was set aside and the parties were asked to lead evidence on merits which the parties did. Therefore Adv. Shri Nigalye, the learned Advocate for the workman is right in submitting that what is to be seen is whether the acts alleged against the workman are the misconducts under the model standing orders.

10. The employer has contended that as per the chargesheet dated 5-6-84 five charges are levelled against the workman namely that (1) he went on illegal strike from 14-4-84, (2) he obstructed the bus GDX 126 on 15-4-84 at 1.30 p.m. when it was being taken out of depot by Shri Valentino Esteves, (3) he alongwith some other workers assembled at Porvorim depot and obstructed and threatened the other workers who wanted to report for work and also restrained some of them forcibly and detained them at the place though they were willing to carryout their normal duties on 15th and 16th April, 1984, (4) he forced the willing operating Staff to stop buses at Mandovi bridge and other places on 15-4-84 and forced them to take the said buses to depot to paralyze the work, and (5) on 17-4-84 he alongwith Mr. Anil Raut went to the house of conductor Vishnu Saundekar, forcibly took him to Porvorim depot and forced him to sit with him and others and also forced him to join morcha taken out on 8th April 1984. As regards the charges at sr. no. 3, 4 and 5 namely that the workman obstructed and threatened other workers who

wanted to carryout their normal duties on 15-4-84 and on 16-4-84 and that he forced the staff to stop buses on Mandovi Bridge and forced them to take the said buses at the depot and forcibly taking conductor Vishnu Saundekar at the Porvorim depot on 17-4-84 and forcing him to join morcha on 18-4-84, Adv. Shri Bandodkar, the learned Advocate for the employer has fairly conceded that the said charges are not proved. Besides, I have gone through the evidence led by the employer. In support of the charges the employer has examined three witnesses namely Shri Valentino Esteves, Shri Anil Prabhu and Shri S. V. Naik. All these witnesses have deposed on the incident of obstructing the bus GDX 126 thereby preventing it from being taken out of the Porvorim Depot and the workers going on illegal strike. None of the witnesses have stated that the workman obstructed or threatened the workers who wanted to report for work or that he forced the staff to stop the buses at Mandovi Bridge and at other places and forced them to take the said buses to the depot to paralyze work or that the workman forcibly took Vishnu Saundekar to Porvorim depot and forced him to sit with him and others and also forced him to join morcha taken out on 8th April 1984. Therefore there is no evidence to support the above charges against the workman and Adv. Shri Bandodkar has rightly conceded this fact. This being the case what remains to be seen is whether the charges at sr. no. 1 and 2 namely whether the workman went on illegal strike from 14-4-84 and whether he obstructed the bus GDX 126 from being taken out of the Porvorim Depot on 15-4-84 at 1.30 p.m. are proved or not.

11. The chargesheet dated 5-6-84 has been produced at Exb. W-2. It is a settled law that the charges should not be vague but they should be specific. In the present case the chargesheet reads as follows:

Further to our letter of suspension dated 25-4-84 please note that we have received information that you have indulged in following acts in furtherance to the illegal strike commenced on 14th April, 1984.

That on 15th April, 1984 at around 21.30 hrs. you along with other workers obstructed Bus No. GDX 126 driven by Shri Esteves, Assistant Traffic Inspector which was being brought out of Depot to ply on the Mangalore route, thereby interfered with the work of other employees in presence of Depot Manager, Police Officials and also the District Collector.

You along with other workers who used to unauthorisedly assemble near the Traffic Office at Porvorim Depot, obstructed and threatened several workers who wanted to go on duty. You also restrained some of them forcibly and detained them at the place though they were willing to carry their normal duties on 15th and 16th April, 1984 and thereafter, similarly you forced even the willing operating staff who did not want to participate in the strike to stop the buses at Mandovi Bridge and also other places on 15th April, 1984 and forced



them under duress and threatened to take the buses to Porvorim Depot instead of proceeding to Panaji Bus Stand where they were supposed to go as scheduled with the intention of paralysing normal working of the Corporation.

On 17th April, 1984 you along with Mr. Anil Raut went to the house of Shri Vishnu Saundekar, Conductor, Badge No. 4146 and forcibly took him with you to Porvorim and forced him to sit with you when you had unauthorisely assembled near Porvorim Depot along with other workers. You also forced him to join Morcha taken out on 18th April, 1984 under duress and threat against his willingness.

From the chargesheet which is reproduced herein above it can be seen that the allegations or the charges are contained at para. no. 2, 3 and 4 of the chargesheet, and these allegations do not state that the workman had gone on illegal strike from 14-4-84. The chargesheet only states that the workmen indulged in the acts mentioned at para nos. 2, 3 and 4 of the chargesheet in furtherance of the illegal strike which had commenced on 14th April 1984. Though it may be a fact that illegal strike had commenced on 14-4-84 it does not mean that the workman had also gone on illegal strike. In the absence of specific allegations or charge that the workman had gone on illegal strike from 14-4-84, the workman cannot be held guilty of the said charge nor the evidence if there is any in that respect can be looked into or considered to hold the workman guilty of the said charge. This being the case the only charge which remains against the workman is that of obstructing the bus GDX 126 on 15-4-84 when it was being taken out of the Porvorim Depot by Mr. Valentino Esteves, and it is to be seen whether this charge is proved and if it is so whether it amounts to misconduct as per the model standing orders.

12. In the present case this Tribunal had set aside the enquiry conducted against the workman and thereafter the employer as well as the workman led evidence before this Tribunal on the merits of the case. Adv Shri Nigalye, the learned Advocate for the workman has submitted that once the enquiry is set aside, the evidence recorded in the same cannot be looked into. In support of his this contention he has relied upon the judgment of the Supreme Court in the case of Neeta Kaplish (supra). I have gone through the said judgement which is on the point. In this case the Hon'ble Supreme Court has held that when the enquiry is held to be defective and the management avails of the opportunity and adduces evidence before the Tribunal the validity of the action taken has to be scrutinized and adjudicated upon on the basis of such fresh evidence. It was contended before the Hon'ble Supreme Court that the enquiry proceedings constituted material on record and the same could not be ignored. However, the Hon'ble Supreme Court held that the record pertaining to the domestic enquiry would not constitute "fresh evidence" because the enquiry was found to be defective and also such record would

not constitute "material on record" within the meaning of Sec. 11-A of the Industrial Disputes Act, 1947 as the enquiry proceedings on being found to be bad have to be ignored all together. Thus from the above judgment of the Supreme Court it is clear that once the enquiry is set aside, the evidence recorded therein cannot be considered at all and what is to be considered is the fresh evidence recorded by the parties before the Tribunal. In the present case both the parties have led fresh evidence before this Tribunal and it is this evidence which is to be considered to find out whether the charge that the workman obstructed the bus GDX 126 is proved or not.

13. In the present case the employer has examined three witnesses namely Mr. Valento Esteves, Mr. S. V. Naik and Mr. Anil Prabhu, whereas the workman has examined only himself. The employer has examined the above witnesses in support of the charge/allegations made against the workman in the charge sheet dated 5-6-1984. The said chargesheet has been produced by the workman at Exb. W-2. As per the said chargesheet the charge against the workman is that on 15-4-1984 at about 21.30 hrs. he alongwith other workers obstructed the bus GDX 126 driven by Asst. Traffic Inspector Mr. Esteves which was being brought out of the Depot for plying on Mangalore route. Thus as per the chargesheet the incident of obstructing the bus took place on 15-4-1984 at 21.30 hrs., that is, at 9.30 p.m. The witness Mr. Esteves examined by the employer has stated in his deposition that on 15-4-84 the workers were on strike and therefore he was told by the General Manager to go to Porvorim Depot and bring the bus GDX 126 to Panaji bus stand and that the said instructions were given to him at 11.30 a.m. He has stated that as per the said instructions he went to the Porvorim Depot alongwith the General Manager, Collector, Depot Manager Mr. Prabhu and Works Manager Mr. S. V. Naik. He has stated that on reaching the Depot he informed the security that he was taking the bus GDX 126 to Panaji bus stand and that when he had taken the bus out of the fate it was stopped at a distance of about 50 mts. from the canteen by the striking workers and that the workman was amongst them. The report made by him to the Personnel Manager dated 28-5-84 has been produced at Exb. W-1. This report has been admitted by the said witness. In this report Mr. Esteves has stated that he had gone to the Porvorim Depot at 1.00 p.m. alongwith the above persons to bring the bus GDX 126. Thus according to the witness Mr. Esteves, the incident of obstructing the bus GDX 126 took place at about 1.00 p.m. in the afternoon of 15-4-84. Mr. S. V. Naik, the witness examined by the employer has stated in his deposition that on 15-4-1984 at about 12 noon he alongwith Mr. Valento Esteves, the General Manager Mr. A. N. Ingle, and Mr. Prabhu had gone to the Porvorim Depot to bring the bus. He has stated that the General Manager asked Mr. Esteves to go inside the depot and bring out the luxury bus GDX 126 and that accordingly Mr. Esteves went inside the depot and brought the bus out and when it reached at a distance of about 15 to 20 mts. from the canteen it was stopped by striking which included the

workman. Thus according to Mr. S. V. Naik also the incident of obstructing the bus took place in the afternoon of 15-4-1984 after 12.00 p.m. The third witness namely Mr. Anil Prabhu examined by the employer has stated that on 15-4-84 he had gone to the Porvorim Depot alongwith the General Manager Mr. Ingle, the Works Manager Mr. S. V. Naik, and the ATI Mr. Valento Esteves to bring the bus GDX 126 to Panaji for plying on Mangalore route. He has stated that they reached Porvorim Depot at about 12 noon and the General Manager told Mr. Esteves to bring the bus GDX 126 and accordingly Mr. Esteves brought the said bus from inside the depot but it was stopped by the workers on the road near the canteen. He has stated that the workman was amongst the said workers who stopped the bus. Thus according to all the three witnesses examined by the employer the incident of obstructing the bus took place in the afternoon at about 1 p.m. They have corroborated each other on this aspect. The workman in his evidence as well as in the evidence of the employer has denied his presence in the Porvorim Depot in the afternoon of 15-4-84. He has denied that he was involved in the incident of obstructing the bus. He has taken the defence that he went home at about 10.45 a.m. after handing over the cash to the Cashier. From the evidence which has been discussed above, it can be therefore seen that the evidence which has been led by the employer is totally contrary to the charge made in the charge sheet. As pointed out earlier as per the charge sheet the incident of obstructing the bus had taken place at 21.30 hrs. whereas as per the evidence led the said incidence took place at about 1.00 p.m. in the afternoon. Thus the evidence which has been led by the employer is besides the charge. The discrepancy in the time perhaps would not have been much material if the difference in the time was not much as for example if the charge sheet stated that the incident occurred at 1.30 p.m. and the witnesses stated that incident occurred at 12.30 p.m. or 2.30 p.m. In the present case the discrepancy in the time is to a great extent. As per the charge sheet the incident occurred at about 21.30 hrs. that is in the night at 9.30 p.m. whereas the witnesses have stated that the incident occurred at 1.00 p.m. or 1.30 p.m. in the afternoon. Therefore it has to be held that the employer has failed to prove that the workman alongwith other workers obstructed the bus GDX 126 on 15-4-84 at 21.30 hrs. Adv. Shri Bandokar, the learned Advocate for the employer has submitted that the mentioning of the time as 21.30 hrs. in the charge sheet is a typographical mistake and the same was corrected by corrigendum issued by the employer. He has further submitted that the employer in para. 18(J) of the written statement has stated that the typographical error was corrected by corrigendum and the employer has denied that the corrigendum was a ploy devised to trap the workman. There is no substance in both these submissions of Adv. Shri Bandodkar. The employer has not produced the corrigendum which is said to have been issued by them correcting the time of the incident. None of the witnesses of the employer have stated that

any corrigendum was issued to the charge sheet correcting the time of the incident. Therefore the contention of Adv. Shri Bandodkar that mentioning the time of the incident of obstructing the bus as 21.30 hrs. in the charge sheet was a typographical mistake and that corrigendum was issued to correct the said mistake cannot be accepted. Similarly, the contention of Adv. Shri Bandodkar that in the written statement the employer has stated that the typographical mistake was corrected by corrigendum also cannot be accepted because para. 18(1) of the written statement refers to the corrigendum dated 8-1-1986 issued by the General Manager stating that he was disagreeing with the findings of the enquiry and he was holding the workman guilty of obstructing the vehicle GDX 126 which was proceeding to Mangalore. The said corrigendum is not in connection with the charge sheet dated 5-6-84 issued to the workman but it is in connection with the findings of the enquiry officer. This being the case, I hold that the employer has failed to prove that the workman obstructed the bus GDX 126 on 15-4-1984 at 21.30 hrs. when it was being taken out of the Porvorim Depot for taking it to Panaji depot for plying it on Mangalore route. In the circumstances, and in the light of what is discussed above I hold that the employer has failed to prove charges of misconduct levelled against the workman in the chargesheet dated 5-6-1984. I, therefore, answer the issue no. 3 in the negative.

14. *Issue No. 4:* This issue pertains to whether the action of the employer in terminating the services of the workman is legal and justified. The employer terminated the services of the workman on the ground that he had committed misconduct and that the charges of misconduct were proved against him in the enquiry as per the findings of the enquiry officer and the evidence on record in the enquiry. However, this Tribunal by order dated 24-3-95 set aside the enquiry and consequently the findings of the enquiry officer also stood set aside. Thereafter the employer as well as the workman led evidence before this Tribunal on the merits of the case. Considering the said evidence, while deciding the issue no.3 it has been held by me that the charges of misconduct levelled against the workman in the charge sheet dated 5-6-1984 are not proved against the workman. Now once the charges of misconduct are held to be not proved, the termination of service becomes illegal and unjustified as the termination was based on the said charges. I, therefore hold that the workman has succeeded in proving that the action of the employer in terminating his services w.e.f. 21-2-1986 is illegal and unjustified. I, therefore answer the issue no. 4 in the negative.

15. *Issue No. 5:* Once it is held by me that termination of service of the workman by the employer is illegal and unjustified the question of deciding whether the action of the employer was discriminatory or not does not arise. I, therefore answer the issue no. 5 accordingly.

16. *Issue No. 6:* This issue pertains to the relief to be granted to the workman. It is well settled that once termination is held to be illegal and unjustified, the



normal rule is that the workman is entitled to reinstatement in service with full back wages, unless there are reasons for not doing so. One of the factors which is to be taken into consideration is the past conduct of the workman and whether he was in gainful employment after the date of termination of his service. In the present case there is no evidence on record as regards the past conduct of the workman as also his gainful employment. There is no evidence to show that the past conduct of the workman was not good or that he was gainfully employed subsequent to termination of his service. However, the Supreme Court in the case of *H. M. T. Ltd., v/s Labour Court, Ernakulam & ors.* reported in 1994 II CLR 22 has held that it is now well settled that no party should suffer on account of the delay in the decision of the Court. In that case the Labour Court had reinstated the concerned workman. The Hon'ble Supreme Court holding that more than 14 years had passed from the date of dismissal of the workman and that no party should suffer on account of delay in the decision of the Court, granted 60 percent of the back wages till reinstatement to the workman. In the present case also the services of the workman were terminated from 21-2-1986. As such more than 14 years have passed that the services of the workman were terminated. The order of reference of dispute was made by the Government in August 1989 that is, after more than 3½ years of termination of service of the workman and since then the case is pending before the Tribunal. Therefore the Judgment of the Supreme Court in the case of *H. M. T. Ltd. (supra)* applies to the present case and hence it would not be proper to award full back wages to the workman. I am therefore of the view that it would be just and proper to reinstate the workman in service with 60% of the back wages from the date of termination of his service. I, therefore hold that the workman is entitled to reinstatement in service with 60% of the back wages, and continuity in service from the date of termination of his service till the date of the Award and he shall be entitled to full wages and other benefits from the date of the Award.

In the circumstances, I pass the following order.

#### ORDER

It is hereby held that the action of the management of M/s Kadamba Transport Corporation Ltd., Panaji, in terminating the services of the workman Shri Suresh H. Parvatkar, Conductor, with effect from 21-2-1986 is not legal and justified. The workman Shri Suresh H. Parvatkar, is ordered to be reinstated in service with 60% of the back wages and continuity in service from the date of termination of his service till the date of the Award and he shall be entitled to full wages and other benefits from the date of the Award.

No order as to costs. Inform the Government accordingly.

Sd/-

(Ajit J. Agni)  
Presiding Officer  
Industrial Tribunal.

## Department of Panchayati Raj and Community Development

Directorate of Panchayats

### Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/6739

In pursuance of sub-section (1) of section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule herein below has been elected as Sarpanch/Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 30-07-2002.

#### SCHEDULE

Sr. No.	Name of the Village Panchayat	Name and address of the Sarpanch/Dy. Sarpanch
1	2	3
1.	Village Panchayat Curti-Khandepar, Ponda Block	Shri Bhiku Govind Kerkar Kelbaivada, Curti.  Smt. Vaishali Vishwas Gaude Opa, Khandepar.

P. M. Borkar, Director of Panchayats.

Panaji, 9th August, 2002.

## Department of Personnel

### Order

No. 6/3/81-PER/(Vol. VIII)

Shri Yetindra Maralkar, Dy. Collector (Rev), North, shall hold the charge of the post of Secretary of Department of Sainik Welfare, in addition to his own duties, with immediate effect and until further orders.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 7th August, 2002.

## Department of Public Health

### Order

No. 7/24/90-II/PHD/Part-I/635

Read: Memorandum No. 7/24/90-II/PHD/Part-I dated 13-6-2002.

On the recommendation of Goa Public Service Commission as conveyed vide their letter No. COM/I/5/ /30(3)/94 dated 8-5-2002. The Government is pleased to

appoint Dr. Adarsh Kumar to the post of Lecturer in Forensic Medicine, Goa Medical College, on temporary basis on an initial basic pay of Rs. 10,000/- in the pay scale of Rs. 10,000-325-15,200+NPA with immediate effect as per the terms and conditions contained in the Memorandum cited above.

Dr. Adarsh Kumar shall be on probation for a period of two years.

The appointment is made subject to the verification of his character and antecedents and declaration of fitness by Medical Board.

In the event of any adverse matter noticed by the Government on verification of his character and antecedents his service will be terminated. Similarly, in the event of his declaration as unfit by the Medical Board, his service will be terminated.

By order and in the name of the Governor of Goa.

B. T. Mahale, Under Secretary (Health).

Panaji, 4th July, 2002.

#### Order

No. 4/13/2001-II/PHD/647

Read: 1) Memorandum No. 4/13/2001-II/PHD dated 26-3-2002.

2) Government order No. 4/13/2001-II/PHD dated 1-4-2002.

On the recommendation of Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(34)/89 dated 28-2-2002, the Government is pleased to appoint Dr. C. G. Radhika Raj to the post of Lecturer in Surgery, Goa Medical College, on temporary basis in the pay scale of Rs. 10,000-325-15,200+NPA with immediate effect as per the terms and conditions contained in the Memorandum dated 26-3-2002 mentioned above and her pay may be fixed as per rules.

Dr. C. G. Radhika Raj shall be on probation for a period of two years.

The appointment is made subject to the verification of her character and antecedents and declaration of fitness by Medical Board.

In the event of any adverse matter noticed by the Government on verification of character and antecedents her service will be terminated. Similarly, in the event of her declaration as unfit by the Medical Board, her service will be terminated.

This supersedes the Government order No. 4/13/2001-II/PHD dated 1-4-2002.

By order and in the name of the Governor of Goa.

B. T. Mahale, Under Secretary (Health).

Panaji, 4th July, 2002.

#### Order

No. 25/5/2000/I/PHD

Whereas Dr. Mathura P. Usgaonkar, Dy. Director (Malaria) & Vectorborne Diseases Control Programme under Directorate of Health Services has given three months notice dated 15-11-2001 under Voluntary Retirement Scheme announced by the Government vide Office Memorandum No. 1/21/99-FCC(part) dated 16-8-2001 with a request to accept the same and relieve her w.e.f. 15-2-2002 (F.N.).

Whereas her request was kept in abeyance for administrative reasons.

Now therefore, Government is pleased to accept the said notice and direct that Dr. Mathura P. Usgaonkar, Dy. Director (Malaria) & other Vectorborne Diseases Control Programme under the Directorate of Health Services stand retired with effect from the date she receives this order.

By order and in the name of the Governor of Goa.

B. T. Mahale, Under Secretary (Health).

Panaji, 5th July, 2002.

#### Order

No. 7/1/2001-I/PHD

Government is pleased to declare that Shri Rajendra Naik, Technical Officer under the Directorate of Food and Drugs Administration has satisfactorily completed the probation period of two years from 19-10-1993 to 18-10-1995.

By order and in the name of the Governor of Goa.

B. T. Mahale, Under Secretary (Health).

Panaji, 17th July, 2002.

#### Order

No. 7/1/2001-I/PHD

Government is pleased to declare that Smt. Medha Desai, Drugs Inspector under the Directorate of Food and Drugs Administration has satisfactorily completed the probation period of two years from 1-12-1995 to 1-12-1997.

By order and in the name of the Governor of Goa.

B. T. Mahale, Under Secretary (Health).

Panaji, 17th July, 2002.

### Department of Revenue

#### Notification

No. 22/13/2002-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is needed for public purpose viz. Land Acquisition at Benaullim Village for construction of Tele. Exch. in Benaullim.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the said Act, that the said land is needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act the Deputy Collector (LA), South Goa District, Margao-Goa to perform the functions of a Collector, South Goa District, Margao under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Deputy Collector (LA), Margao-Goa.
3. The Area Manager Telecom (South), Margao-Goa.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (LA), South Goa District, Margao-Goa for a period of 30 days from the date of publication of this notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

Taluka: Salcete		Village: Benaulim
Survey No./ Sub Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
231/1	1. Church Property of Benaulim. 2. Maria Benedota Cardozo. 3. Conceico's Rodrigues Fernandes.	1350

4. Caetaninha D'Costa Fernandes.
5. Lourenco S. D'Costa Fatorda.
6. Stanley Augusta Rodrigues.
7. Francisco Rodrigues Fernandes.
8. Minguel S. Rodrigues.
9. Ina D. Rodrigues Santos.
10. Piedade Rebello.
11. Rita Caetano Rebello.
12. Anthony Augustinho Fernandes.
13. Imaculada C. Fernandes.
14. Santa Rita Edumand Rodrigues.
15. Maria Fatima Escolastica.  
Albuquerque Fernandes Rodrigues.
16. Caetano Nazario Fernandes.
17. Vassant Damodar Naik.
18. Joao Robert Fernandes.
19. Maximo Nicolhas Fernandes.
20. Anoneita D. J. Dias E.
21. Executive Engineer WDWI PWD.
22. Sebastio Fernandes.
23. Filomena Alemao E.
24. Anthony Fernandes.
25. Secramnta Rodrigues E.
26. Emilia Fernandes.
27. Filmena Rodrigues D'Silva.
28. Maria Ida Fernandes.
29. Joquim Santan Rodrigues.
30. Joaquim Santana Fernandes.
31. Fatima Filomena Viegas C.
32. Carmelina Gonsalves Fernandes.

#### Boundaries:

- East : 231/1 Plot No. 81.  
West : Public Road 201/1 Margao-Varca.  
North : Survey No. 219/4.  
South : Road & Plot No. 38.

Total: 1350

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Under Secretary (Revenue).

Panaji, 6th August, 2002.

#### Notification

No. 22/8/2002-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. L. A. for construction of cibreta to Rangoli road via Carxeta Cuthona Zuvem road (addl. area) in V. P. Velim, part-I.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector & S.D.O., Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Deputy Collector & S.D.O., Margao.
3. The Executive Engineer, Div. VI (Roads-South), P.W.D., Fatorda, Margao.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector & S.D.O., Margao for a period of 30 days from the date of publication of this notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

Taluka: Salcete

Village: Velim

Survey No./ Sub Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
130/6	O: Piedade D'Silva.	50
130/2	O: Cyril Fernandes.	25
130/9	O: Elvira D'Silva.	50
130/17	O: 1. Nazareth D'Silva. 2. Fr. Assumption D'Silva.	25
130/3	O: 1. Conceicao Colaco. 2. Joaquim Colaco.	125

1	2	3
130/18	O: Antonio Conceicao P. L. Fernandes.	175
130/19	O: 1. Franky Fernandes. 2. August Fernandes.	100
130/20	O: 1. Cyril Fernandes. 2. Marie Yvonne P. L. Colaco. 3. Rosalina Fernandes.	100
130/23	O: Sydney Eric Duke.	300
130/24	O: 1. Francis D'Silva. 2. Francis D'Silva.	150
130/35	O: Romel Silva.	175
109/4	O: Gaudencio D'Silva.	175
109/10	O: Gregorio D'Silva.	75

#### Boundaries:

North : 130/4, 3, 19, 20 & 23.

South : 130/18, 19, 20, 27 & 109/10.

East : 130/2, 3, 24 & Nala.

West : 130/6, 9, 17, 23 & 35, 109/4 & 10.

Total: 1525

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Under Secretary (Revenue).

Panaji, 9th August, 2002.

#### Department of Tourism

#### Order

No. 1/1(32)/2002-DT/1693

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/48(1)/92 dated 08-08-2002, Governor of Goa is pleased to promote Smt. Pamela Mascarenhas, Assistant Director of Tourism to the post of Dy. Director of Tourism (Group "A") on regular basis, fallen vacant due to demise of Shri A. R. Shirodkar, Ex-Dy. Director of Tourism, in the pay scale of Rs. 8000-275-13500 with immediate effect.

Smt. Mascarenhas shall be on probation for a period of two years from the date of joining.

By order and in the name of the Governor of Goa.

N. Suryanarayana, Director of Tourism & Ex-Officio Joint Secretary.

Panaji, 9th August, 2002.